

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 11 – 13, 22 and 25 – 30 are pending in the application. Claims 11 – 13, 22 and 25 – 30 have been rejected. Claims 11, 22, 26 and 29 have been amended. Claims 28 and 30 have been cancelled without prejudice.

Claim 26 has been amended to fix a grammatical error.

Applicants respectfully assert that the amendments to the claims add no new matter.

The Telephone Interview

Initially, Applicants wish to thank Examiner Labaze for granting and attending the telephone interview with Applicants' Representative, Heidi M. Brun, Reg. No. 34,504 on December 21, 2006. In the interview, the rejection over Call (US 2002/0161745) and Snow et al. (US 2001/0047340) was discussed, as was the wording of the independent claims.

Applicants would like to thank the Examiner for his helpful comments and, in particular, his pointing out the portions of the claims which did not particularly recite the invention as explained.

In the interview, Applicants' Representative argued that Call provides product information when given the bar-code of a product. Call uses the domain name system to receive Internet request messages containing all or part of the universal product code as read from the bar-code and returns the Internet address where the product information may be found. Call's system does not verify that "a retailer of said item received title to said item

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from a chain of non-consumer owners beginning with its indicated manufacturer” (claim 11) since Call does not follow title.

Adding Snow et al. does not help, since Snow et al. registers products from the point of sale onwards and thus, does not follow “a chain of non-consumer owners” (claims 11 and 22) or of “commercial entities” (claim 29).

As discussed in the Interview, none of the citations, either in the present Office Action or from any of the past Office Actions, connect between following title and a determination of non-counterfeit of manufactured goods. The claims have been amended to recite “indicating that said item is not counterfeit” either “if said store is recorded in said database as owning said particular item” (claim 29) or “if said retailer received title to said item from said chain” (claims 11 and 22).

In the Interview, the Examiner indicated that the present invention appeared to be allowable over the combination of Call and Snow et al.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 11 – 13, 22 and 25 – 30 under 35 U.S.C. § 103(a), as being unpatentable over Call (US 2002/0161745) in view of Snow et al. (US 2001/0047340).

Applicants respectfully traverse this rejection in view of the discussion presented above.

Accordingly, Applicants respectfully assert that amended independent claims 11, 22 and 29 are allowable. Claims 12 – 13, 25 and 26 depend from, directly or indirectly, claims 11 and 22, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 12 – 13 and 25 - 26 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended claims 11 – 13, 22 and 25, 26 and 29.

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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 09-0468.

Respectfully submitted,

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